

STAND. COM. REP. NO.

2327

Honolulu, Hawaii

FOB 17

, 2006

RE: S.B. No. 3013

S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Labor, to which was referred S.B. No. 3013
entitled:

"A BILL FOR AN ACT RELATING TO PROVIDING THE OPPORTUNITY OF
LIGHT DUTY WORK TO INJURED EMPLOYEES,"

begs leave to report as follows:

The purpose of this measure is to require the employer of an
injured employee who is cleared to return to light or reduced work
duty to provide the level of work that the injured employee is
cleared to perform.

Testimony in support of this measure was submitted by the
Department of Human Resources Development; the Hawaii Government
Employees Association, AFSCME Local 152, AFL-CIO; the Hawaii
Chapter, American Physical Therapy Association; the Hawaii State
Chiropractic Association; and the Hawaii State Teachers
Association.

Testimony in opposition to this measure was submitted by the
Department of Labor and Industrial Relations, the ILWU Local 142,
the Hawaii Independent Insurance Agents Association, the Hawaii
Insurers Council, the Retail Merchants of Hawaii, and the Society
for Human Resource Management - Hawaii Chapter. Comments on this
measure were also submitted by the Hawaii Employers' Mutual
Insurance Company, Inc.

Your Committee finds that a key objective of the workers'
compensation system is to assist an injured employee in returning

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to work as quickly and safely as possible. Your Committee further finds that often an injured employee is medically cleared to resume work in a reduced duty or light work capacity; however, the employer is unwilling to provide the opportunity for the injured employee to perform work at this level. Your Committee understands that the reluctance of many employers to provide light or reduced work opportunities to an injured employee may be based upon the concern that the employer must then resume paying the injured worker's salary, rather than allow the injured employee to continue to receive benefits from the insurer. An injured employee who returns to work as quickly as possible is more likely to regain full employment status and less likely to progress to a permanently disabled status. Your Committee determines that assisting the injured employee in returning to work at the earliest possible time is in the best interest of the State, the insurer, the employer, and the injured employee.

The testimony submitted did raise legitimate concerns about the measure forcing an employer to "make work" to comply with the law, and the present language may also create conflicts if different medical providers have different views on the employee's ability to perform light, part-time, or restricted work. Your Committee feels that further discussion is appropriate on these points and passes the measure out for consideration by the Committee on Ways and Means where the concerns can be examined further.

Your Committee has amended this measure by making technical, nonsubstantive changes for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3013, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3013, S.D. 1, and be referred to the Committee on Ways and Means.

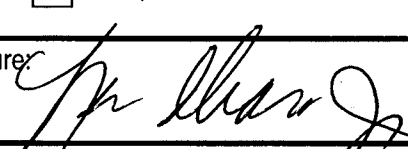
Respectfully submitted on
behalf of the members of the
Committee on Labor,


BRIAN KANNO, Chair



The Senate
Twenty-Third Legislature
State of Hawaii

Record of Votes of the
Committee on Labor
(Bills and Resolutions)

Measure:* SB 3013	Committee Referral: LBR, WAM	Date: 2-10-06		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <input type="checkbox"/> Pass, unamended (2312) <input checked="" type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
KANNO, Brian (C)	✓			
IHARA, Jr., Les (VC)		✓		
TANIGUCHI, Brian T.				✓
SLOM, Sam			✓	
TOTAL	/	/	/	/
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Do not list more than one measure per Record of Votes.